

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla,
Canjilon Creek

MOTION FOR DEFAULT JUDGEMENT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its Order granting default judgement against the following defendants:

UNKNOWN CLAIMANTS OF INTEREST TO SURFACE WATERS IN THE RIO NUTRIAS, RIO CEBOLLA AND CANJILON CREEK SECTIONS OF THE RIO CHAMA STREAM SYSTEM

and as grounds therefore plaintiff states:

1. Under the Procedural Order for the Adjudication of Water Rights Claims in the Rio Nutrias, Rio Cebolla and Canjilon Creek subsections of the Rio Chama Stream System (Section 3), individuals who claim water rights in Section 3 that were not included in the State's Hydrographic Survey are required to file a Statement of Omitted Claim with the Court on or before December 28, 2001. *See* Procedural Order for the Adjudication of Water Rights Claims in the Rio Nutrias, Rio Cebolla and Canjilon Creek Sections of the Rio Chama Stream System, filed July 25, 2000 (Doc. No. 5913), paragraph VI (I).

2. The Court has jurisdiction over Unknown Claimants of Interest to Surface Waters of

the Rio Nutrias, Rio Cebolla and Canjilon Creek as shown by the Proof of Publication of Notice of Pendency of Suit filed December 26, 2001 (Doc. No. 6470).

3. The Defendants named above are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the Clerk's Certificate of Default filed January 16, 2002 (Doc. No. 6489).

4. The Asociación de Acéquias Norteñas de Rio Arriba, representing certain community ditches in Section 3 of the Rio Chama Stream System, takes no position on this motion.

WHEREFORE the plaintiff State of New Mexico requests the Court to enter its Order granting judgment by default against all Unknown Claimants of Interest to Surface Waters in the Rio Nutrias, Rio Cebolla and Canjilon Sections of the Rio Chama Stream System (Section 3), find that these Defendants have no surface water irrigation rights in the Rio Nutrias, Rio Cebolla and Canjilon Sections of the Rio Chama Stream System, and forever bar the assertion of additional claims in these proceedings to the use of surface water for irrigation purposes in Section 3 of the Rio Chama Stream System.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing motion was transmitted by ACE filing to the following this 9 day of August 2006:

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